



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,312	12/21/2000	Sascha Baumeister	DE919990096	2057

7590 12/19/2002

Blanche E. Schiller, Esq.
HESLIN & ROTHENBERG, P.C.
5 Columbia Circle
Albany, NY 12203

EXAMINER

MAHMOUDI, HASSAN

ART UNIT PAPER NUMBER

2175

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,312

Applicant(s)

BAUMEISTER ET AL.

Examiner

Tony Mahmoudi

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmidt et al (U.S. Patent No. 6,006,229.)

As to claim 1, Schmidt et al teaches a method for managing a file system (see Abstract) comprising:

providing transaction program means (see column 7, lines 46-56) arranged for a cooperation with the file system (see column 8, lines 54-56, where "file system" is read on "Xbase file set"), the transaction program means implementing transactional functionality (see column 6, line 60 through column 7, line 4, where "transactional functionality" is read on "translating Xbase transaction commands into function calls") to changes of the file system (see column 7, lines 4-33.)

As to claim 2, Schmidt et al teaches wherein the transaction program means implements a commit and/or rollback facility (see column 7, lines 49-56.)

As to claim 3, Schmidt et al teaches wherein the transaction program means (see column 7, lines 46-56) is arranged for communicating with the file system via a protocol directed to cover changes made to the file system (see column 8, lines 5-31.)

As to claim 10, Schmidt et al teaches wherein the transaction program means (see column 7, lines 46-56) is implemented in the file system itself (see column 8, lines 54-56, where “file system” is read on “Xbase file set”.)

As to claim 11, Schmidt et al teaches wherein the transaction program means (see column 7, lines 46-56) processes commands issued by transaction manager means arranged for cooperating with a database management system (see column 6, lines 1-4 and lines 60-67.)

As to claim 12, Schmidt et al teaches the method further comprising using transaction program means (see column 7, lines 46-56) implemented for a cooperation with the file system (see column 8, lines 54-56, where “file system” is read on “Xbase file set”.)

As to claim 13, Schmidt et al teaches a computer system being able to access a file system which is manageable by transaction program means according to a method of managing a file system (see column 1, lines 33-36, and see column 2, lines 26-36) comprising:

providing transaction program means (see column 7, lines 46-56) arranged for a cooperation with the file system (see column 8, lines 54-56, where “file system” is read on “Xbase file set”), the transaction program means implementing transactional functionality (see column 6, line 60 through column 7, line 4, where “transactional functionality” is read on “translating Xbase transaction commands into function calls”) to changes of the file system (see column 7, lines 4-33.)

As to claim 14, Schmidt et al teaches a computer program for execution in a data processing system comprising computer program code portions for performing the steps of (see column 5, lines 46-51, where “computer program code portions” is read on “application programs”) providing transaction program means (see column 7, lines 46-56) arranged for a cooperation with the file system (see column 8, lines 54-56, where “file system” is read on “Xbase file set”), the transaction program means implementing transactional functionality (see column 6, line 60 through column 7, line 4, where “transactional functionality” is read on “translating Xbase transaction commands into function calls”) to changes of the file system (see column 7, lines 4-33.)

Art Unit: 2175

As to claim 15, Schmidt et al teaches a computer program product stored on a computer usable medium comprising computer readable program means for causing a computer to perform the method of managing a file system (see column 9, lines 44-47, where a “computer program product” is read on “client software system on a client computer”, and “causing a computer to perform” is read on “one or more Xbase application programs”. It is inherent that application programs cause computers to perform”) comprising:

providing transaction program means (see column 7, lines 46-56) arranged for a cooperation with the file system (see column 8, lines 54-56, where “file system” is read on “Xbase file set”), the transaction program means implementing transactional functionality (see column 6, line 60 through column 7, line 4, where “transactional functionality” is read on “translating Xbase transaction commands into function calls”) to changes of the file system (see column 7, lines 4-33.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al (U.S. patent No. 6,006,229) in view of Coleman et al (U.S. patent No. 6,032,154.)

Art Unit: 2175

As to claim 4, Schmidt et al teaches communications protocols (see column 6, lines 33-40.)

Schmidt et al does not teach wherein the protocol is XD SM or is derivable from XD SM, or comprises XD SM-equivalent functions.

Coleman et al teaches a data storage and management system for use with a multiple protocol management system (see Abstract), in which he teaches wherein the protocol is XD SM or is derivable from XD SM, or comprises XD SM-equivalent functions (see column 5, lines 25-41, and see column 7, lines 29-39, where “XD SM protocol” is concluded in “a stack of protocol drivers in accordance with ISO/OSI standards”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Schmidt et al to include wherein the protocol is XD SM or is derivable from XD SM, or comprises XD SM-equivalent functions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Schmidt et al by the teaching of Coleman et al, because wherein the protocol is XD SM or is derivable from XD SM, or comprises XD SM-equivalent functions, enables the system to perform transactional functions using protocols designed specifically for the transactional environment, performing with high speed and increased efficiency.

Art Unit: 2175

As to claim 5, Schmidt et al as modified teaches the method further comprising using transaction program means (see Schmidt et al, column 7, lines 46-56) implemented for a cooperation with the file system (see Schmidt et al, column 8, lines 54-56, where “file system” is read on “Xbase file set”).)

As to claim 6, Schmidt et al as modified teaches a computer system being able to access a file system which is manageable by transaction program means according to a method of claim 4 (see Schmidt et al, column 1, lines 33-36, and see column 2, lines 26-36.)

As to claim 7, Schmidt et al as modified teaches a computer program for execution in a data processing system comprising computer program code portions for performing the steps of the method of claim 4 (see Schmidt et al, column 5, lines 46-51, where “computer program code portions” is read on “application programs”).)

As to claim 8, Schmidt et al as modified teaches a computer program product stored on a computer usable medium comprising computer readable program means for causing a computer to perform the method of claim 4 (see Schmidt et al, column 9, lines 44-47, where a “computer program product” is read on “client software system on a client computer”, and “causing a computer to perform” is read on “one or more Xbase application programs”. It is inherent that application programs cause computers to perform”).)

Art Unit: 2175

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al (U.S. patent No. 6,006,229) in view of Khalidi et al (U.S. patent No. 5,561,799.)

As to claim 9, Schmidt et al teaches a transaction program means (see Abstract.)

Schmidt et al does not teach wherein the transaction program means is implemented as a stacked file system.

Khalidi et al teaches an extensible file system (see Abstract), in which he teaches wherein the transaction program means is implemented as a stacked file system (see column 5, line 64 through column 5, line 28.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Schmidt et al to include wherein the transaction program means is implemented as a stacked file system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Schmidt et al by the teaching of Khalidi et al, because wherein the transaction program means is implemented as a stacked file system, enables the users to extend the file system and its functionality, as well as ease of access to the files and the movement of such files within the data storage device.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2175

The following patents are cited to further show the state of art with respect to methods and systems of managing resources in the transaction management environments in general:

U.S. Patent No. 6,018,746 to Hill et al.

U.S. Patent No. 6,101,506 to Ukai et al.


U.S. Patent No. 6,453,325 to Cabrera et al.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

December 12, 2002


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100